

**BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, KANSAS
OFFICIAL MINUTES**

December 14, 2009

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM.

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Reverend Virgil Horn, Sardis First Ministry, Coffeyville

PLEDGE OF ALLEGIANCE: Commissioner Brown.

AGENDA APPROVAL:

ACTION: *A motion was made by Commissioner Fowler to approve the agenda as amended. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Brown to approve invoices in the amount of \$4,04369, \$17,473.02, \$73,137.72 and \$448,183.90 as presented by the County Clerk's office. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Brown to approve the minutes of December 7, 2009, as presented by the County Clerk. The motion was seconded by Commissioner Fowler.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

SERVICE AWARDS FOR MONTGOMERY COUNTY EMPLOYEES:

Chairman Fowler presented the services awards to Montgomery County Employees having completed 5, 10, 15 and 25 years of services. The following employees received awards:

TAXPAYER COMPLAINT:

Mr. Atheer Alani, a Caney resident, met with the Board to protest the tax increase for 2009 taxes. The Board explained the tax levy and how it is determined by budgets submitted.

COUNTY HEALTH – BIDS FOR COPIER AND SERVER:

County Health Coordinator Ruth Bardwell presented the recommendations on the following bids:

1. Server – Ms. Bardwell recommended the purchase of a server from the State Bid List which would be a Dell server at the cost of \$5,277.58. The bid from Computer Generation was \$6,928.00. The following motion was made:
ACTION: *A motion was made by Commissioner Fowler to reject all bids and re-submit the bids for the server for the County Health Department. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus – Yes*

2. Copier – Ms. Bardwell recommended the purchase of the copier from Digital Connections, Coffeyville, KS at a cost of \$6,795.00. The following action was taken:
ACTION: *A motion was made by Commissioner Fowler to approve the purchase of a copier from Digital Connections, Coffeyville, Kansas at a cost of \$6,795.00 after following the county bid process. Debit County Health Fund. Motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

RES. NO. 09-211

PUBLIC WORKS:

Public Works Coordinator Robert Bever presented the weekly report. The following items were discussed:

1. Chemical Bids – Mr. Bever recommended accepting the bid from SEK Grain but it is 8% above the lowest bid. They also discussed the present bidding policy and feels that a 5% difference may not be a large enough difference for all departments. Mr. Bever will discuss the policy percentage with Paul Kritz, County Counselor.

ACTION: *A motion was made by Commissioner Brown to accept the bid for chemicals from SEK Grain in the amount of \$22,855.00. Debit Noxious Weed Fund. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

RES. NO. 09-212

2. Transfer of funds:
ACTION: *A motion was made by Commissioner Brown to approve the transfer of \$250,000.00 from the Road and Bridge Funds into a Reserve Fund to be credited to the Special Highway Improvement Fund as of December 31, 2009 and subject to the 2009 audit. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

RES. NO. 09-213

ACTION: *A motion was made by Commissioner Brown to approve the transfer of \$150,000.00 from the Road and Bridge Funds into a Reserve Fund to be credited to the Special Road, Bridge, or Street Building, Machinery, Equipment & Bridge Building Fund as of December 31, 2009 and subject to the 2009 audit. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

RES. NO. 09-214

ACTION: *A motion was made by Commissioner Brown to approve the transfer of all available monies from the Noxious Weed Fund as of December 31, 2009 into a Reserve Fund. The amount of \$40,000.00 to be credited to the Noxious Weed Capital Outlay Fund. This transfer is subject to the 2009 audit. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*

RES. NO. 09-215

PUBLIC WORKS (Continued):

3. Kansas Noxious Weed Law –
4. Household Hazardous Waste intergovernmental agreement with Labette County to dispose of collected household hazardous waste. The following action was taken:

ACTION: *A motion was made by Commissioner McManus to enter into the intergovernmental agreement with Labette County to dispose of collected household hazardous waste to be collected at a designated pickup site in Labette County. Motion was seconded by Commissioner Brown.*

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown – Yes

Commissioner McManus - Yes

RES. NO. 09-216

ANNEXATION TO THE CITY OF INDEPENDENCE:

Environmental Health and Zoning Administrator Scott Barnhart met with the Board on the “spot annexation” to the City of Independence requested by Connie Plake. Ms. Plake did not appear at the meeting. Mr. Barnhart said the request is still being worked on by the city. No decision are necessary at this time.

Recessed at 10:40 AM.

Returned at 10:45 AM.

JOHN VERMILLION – PROTEST ON TAXES:

Mr. John Vermillion met with the Board with a letter protesting the increase in taxes on the residents of Montgomery County.

COMPUTER DEPARTMENT – REQUEST TO PURCHASE COMPUTER:

Computer Department Director Ken Collins requested approval to purchase a computer for the department and encumber the money from 2009 budget. Approval was given by the Board and bids will be taken to be opened on December 28th.

MONTGOMERY COUNTY RURAL FIRE:

Montgomery County Rural Fire Director Mark McCleary discussed the following:

1. In-house audit request – Mr. McCleary stated he had requested in-house audit information. The County Clerk provided the 2008 audit by Mr. Schlotterbeck. He said he wanted the 2009 information. The information available are the monthly reports from bookkeeping and all expenditures are audited by LaVerne Strecker each time invoices are paid. The County Clerk will ask bookkeeping to run these reports beginning 1-1-09 through the present.
2. Presented a letter on emergency runs being tax exempt – Internal Revenue regulations will be requested by the County Clerk for payroll.
3. FCC Licenses –

CORRESPONDENCE:

1. Neighborhood Revitalization Report –
2. Montgomery County Rural Fire monthly meeting minutes for October -
3. Letter from John Vermillion protesting taxes –
4. Notice to the Public for a public hearing by the Planning Commission on Tuesday,
5. January 5, 2010 -

OTHER COUNTY BUSINESS:

1. Occupational License for Independence Country Club –
ACTION: *A motion was made by Commissioner Fowler to issue an Occupational License for Independence Country Club. Motion was seconded by Commissioner Brown.*
ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes

RES. NO. 09-217

2. Executive Session – County Clerk on Non-Elected personnel –
ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 11:32 AM to return at 11:42 AM with the Board and the County Clerk present to discuss non-elected personnel. Motion was seconded by Commissioner Brown.*
ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes

Returned to session at 11:42 AM stating no action taken and no decisions made.

3. The County Clerk advised the Board at the present time the county’s five percent of the buyout costs to date is \$9,100.00 and will be asking for approval to transfer funds from County General Operating to the Flood Buyout Fund at the end of December.
4. Discussed a possible county policy on meals, travel expenses and lodging. The Board would like to have some information on policies in other counties. KAC will be contacted for this information for the next meeting.
5. Montgomery County Action resolution on the renewal of the Kansas Enterprise Zone Program for Montgomery County. The following action was taken:
ACTION: *A motion was made by Commissioner Brown to authorize the Chairman to sign on behalf of Montgomery County, a resolution confirming that a regional economic development organization has been established as required by the 74-50-11(c1), for the purpose of qualifying the County of Montgomery as a designated non-metropolitan business region. Motion was seconded by Commissioner McManus.*
ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus – Yes

RES. NO. 09-218

ADJOURNMENT: 10:15 AM

ACTION: *Motion by Commissioner Fowler seconded by Commissioner Brown.*

ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes

**BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, KANSAS**

TONY FOWLER, Chairman

FRED BROWN, Member

LARRY McMANUS, Member

ATTEST:

County Clerk